

Application No.: 09/835046

Docket No.: SCW-003RCE

REMARKS**Claim Rejection Pursuant of 35 U.S.C §103(a)**

Claims 1, 3-14, 16-17 and 19-20 were rejected by the Examiner in the Office Action of August 12, 2003 as being unpatentable for obviousness over Lotvin et al (U.S. Patent No. 5, 907, 831, hereafter "Lotvin") in view of Jenkins et al (United States Patent No. 6, 293, 801, hereafter "Jenkins"). In light of the amendments above and for the reasons set forth below, Applicants respectfully traverse these rejections.

Summary of Claimed Invention

The claimed invention provides a mechanism for the granting of professional continuing education credits in exchange for review of educational content without resorting to conventional testing requirements. Educational data is segmented into educational units forming substantially complete content and presents it as a series of self-contained topics to a user. The user must log in to begin review and log out upon completion. The time period between login and logout is recorded. A minimum and maximum time parameter in which a user is to review the content in exchange for continuing educational credits is provided. The parameters combine with the smaller topics to require the user to actually be present at a remote terminal in order to compile substantial continuing educational credits. The minimum time parameter prevents a user from logging in and then immediately logging out in order to gain credit. The maximum time parameter prevents a user from logging in and wandering off to do something else when the user is supposed to be reviewing the content since exceeding the time parameter disqualifies the user from gaining continuing education credits. Conventionally a test from the continuing education authority or on its behalf had been required in order to ensure review of the material. The present invention avoids the need for a test on the educational content by requiring applicants review the data in smaller segments that satisfy the time parameters.

The present invention additionally allows the tying of advertisement units to the educational units. Since the typical user will require multiple educational units in order to amass sufficient continuing education credit, the advertisers are provided with multiple opportunities to present advertisements to the users. The advertisements may be sequential or thematic to take advantage of the captive audience over a certain time period.

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Summary of Claim Amendments

Independent claims 1, 7 and 14 have been amended to indicate that the educational credit conferred upon the user is bestowed by a professional accrediting authority. Independent claim 20 has been amended to specify that the viewing of the content by the user for a time period between the minimum and maximum time parameters does not require user responses to the content.

Summary of Lotvin et al

Lotvin discusses an educational system whereby parents arrange with third party providers to provide children with access to educational and cultural information. The educational and cultural data is presented to the child who reviews and responds to the data. Upon completion of the review of the data, the child is rewarded with points from the third party provider. The points are funded by the parents through payments to the third party provider and may be redeemed to purchase a variety of items. There is no minimum time parameter associated with the review of data. The terms parent and child are defined broadly so as to include situations where a company presenting information to an employee is included. In all cases, the points/rewards are funded by entities (parents/companies, etc.) associated with the user (child/employee, etc) reviewing the content. No mention is made of granting continuing education credit in exchange for the content review.

Summary of Jenkins et al

Jenkins discusses a system for performing computer-implemented training exercises. The exercises are used to present stimuli to a user and receive the user's responses to the stimuli. The types of stimuli are selected to challenge and improve the cognitive ability of a user. Users are rewarded for correct responses with reward animations shown on a computer display which include persistent plots and characters. The training exercises are subject to a minimum and maximum time duration in which a user's responses to the stimuli are used to accumulate points.

The claimed invention is designed to allow the conferral of continuing education credit to a user for taking part in remote distance learning. A central aspect of the claimed

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invention is that the continuing education accreditation authority is willing to grant continuing educational credit without the need to expose the user to a testing requirement. The Examiner's attention is directed to page 12, line 29- page 13, line 12 of the detailed description of the application, wherein it states:

The time parameters and educational unit size play a central role in the embodiments of the present invention. The minimum time parameter prevents a user of the educational device from rapidly clicking their way through screens to satisfy an educational requirement. The maximum time parameter prevents a user from clicking on to a site and then turning their attention to other matters for extended periods of time before returning to their electronic device 16 and indicating that they had been studying for the entire time... It is this manner of verifying that users are materially participating in the educational process that allows accreditation authorities to extend continuing education credit **without a testing requirement** [emphasis added].

Neither Lotvin or Jenkins discusses bestowing educational credit from a professional accrediting authority as required by the amended claims. Lotvin lacks the educational credit element, the minimum time period element and the negative limitation of not testing the user on the content prior to conferring educational credit. The Examiner has admitted that Lotvin does not include the minimum time parameter element found in the independent claims of the claimed invention nor the negative limitation of not including an examination when viewing the educational content (See page 2 of Office Action of August 12, 2003). The Examiner has attempted to supply the missing limitations by citing Jenkins. For the reasons discussed below, the reliance on Jenkins is misplaced.

Jenkins not only does not supply the limitations of the independent claims that are missing in Lotvin, but instead teaches away from the limitations. As discussed in Applicants detailed description, the claimed invention requires the viewing of educational content between minimum and maximum time parameters in order to receive continuing educational credit from a professional accrediting authority that does not require the examination of the user. Put another way, the user is not required to respond based on the educational content being viewed in order to gain continuing education credit. The system of Jenkins requires user responses based upon the content being viewed. The user is examined based upon the content and may

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accumulate points based on the responses received between the minimum and maximum time periods. "The user therefore has a limited amount of time to accumulate points" (col 25, lines 26-27). "To further reduce the cognitive rigidity of the user, each training session frequently switches categories upon occurrence of either (i) a predetermined number of responses, e.g., thirty(3) for a particular category or (ii) a predetermined proficiency for a particular category, e.g., eighty percent (80%) correct responses for any ten(10) contiguous stimuli" (col. 25, lines 54-61) [emphasis added]. " This represents exactly the opposite scenario (a testing requirement) from the claimed invention. Jenkins lacks the negative limitation of not requiring the user to respond to the content and the minimum time parameter is tied to the testing requirement. Since this is the direct opposite of the claimed invention, there could be no motivation to combine Jenkins with Lotvin to arrive at the elements of the claimed invention. Since the combination of references fails to disclose, teach or suggest all of the limitations of the independent claims, the Applicants request the rejections directed to claims 1, 3-14, 16-17 and 19-20 be withdrawn. Accordingly, Applicants believe claims 1, 3-14, 16-17 and 19-20 to now be in condition for allowance.

Claim 18 was rejected by the Examiner in the Office Action of August 12, 2003 as being unpatentable for obviousness over Lotvin et al in view of Jenkins et al in further view of Sonnenfeld ((United States Patent No. 6, 112,049, hereafter "Sonnenfeld"). Sonnenfeld was cited by the Examiner as teaching the use of hyperlinks with educational content. Sonnenfeld does not however disclose, teach or suggest the minimum time parameter, educational content conferred by a professional accrediting authority and non-examination/required response limitations of the independent claims. Accordingly, since the combination of references fails to disclose, teach or suggest all of the limitations of the independent claims, the Applicants request the rejections directed to claim 18 be withdrawn and respectfully suggests that claim 18 is now in condition for allowance.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Applicant believes a three month extension fee in the amount of \$475.00 is due in connection with this response. Please charge our Deposit Account No. 12-0080, under Order No. SCW-003 from which the undersigned is authorized to draw.

Dated: February 12, 2004

Respectfully submitted,

By



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